

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

INTERNATIONAL BUSINESS MACHINES
CORPORATION,

Plaintiff,

v.

PLATFORM SOLUTIONS, INC. and T3
TECHNOLOGIES, INC.,

Defendants.

Civil Action No. 06-cv-13565-LAK (THK)

JURY TRIAL DEMANDED

**[PUBLIC VERSION - ORIGINAL FILED
UNDER SEAL ON 4/16/08]**

NOTICE OF MOTION FOR PARTIAL SUMMARY JUDGMENT

Please take notice that pursuant to Rule 56 of the Federal Rules of Civil Procedure, defendant and counterclaimant Platform Solutions, Inc. (“PSI”) will move this Court before the Honorable Lewis A. Kaplan, United States District Judge, on a date and time to be designated by this Court, at the United States District Court for the Southern District of New York, 500 Pearl St., New York, NY 10007, for an Order granting PSI’s Motion for Summary Judgment on Counts 11 and 12 of plaintiff and counterdefendant International Business Machine Corporation’s (“IBM”) Second Amended Complaint. In support of its motion, PSI will rely upon the accompanying memorandum of law, separate statement of undisputed facts, the declarations of Ryan C. Kirkpatrick, Gregory Handschuh, Scott Blackledge, Ronald Hilton, and Christian Reilly attached thereto, and other written or oral argument as may be requested or permitted by the Court.

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Dated: April 23, 2008

SUSMAN GODFREY L.L.P.

By: /s/ Jacob Buchdahl

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